

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:07-CR-00848-DC

JUSTIN P. WHITE,

Defendant

MOTION TO TERMINATE DEFENDANT'S SUPERVISED RELEASE TERM

NOW COMES the Defendant JUSTIN P. WHITE, appearing *pro se*, and respectfully motions the Court to terminate the imposed term of supervised release pursuant to 18 U.S.C. §3583(e)(1) and Fed R. Crim P. 32.1(c)(2)(C). No hearing is sought in this matter per Fed R. Crim P. 32.1(c)(2)(B).

1. The Southern District of New York sentenced me on September 22, 2008 to a term of 78 months of imprisonment followed by 60 months of supervised release. (CR 15).¹ This sentence came after I pled guilty to one count of Possession of Child Pornography.² My term of supervision began on June 18, 2013.
2. On September 22, 2014, I motioned this Court to terminate my term of supervised release before its natural expiration (CR 23). The Government, by and through Assistant United States Attorney Adam S. Hickey, opposed this motion (CR 25), and the request was denied on October 10th, 2014 (CR 26).

¹ "CR" followed by a number references the PACER docket entry number in this Court's record

² In violation of 18 U.S.C. §2252

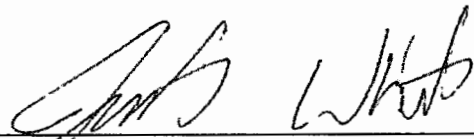
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PRIET BHARARA
United States Attorney, SDNY

3. The statutory authorities, statutory considerations from 18 U.S.C. §3553(a), and policy factors that inform the Court on decisions regarding requests of this nature were discussed at length in my previous motion, and I won't repeat them here. I will, however, address this Court's denial order and the opposition letter submitted by the government (Gov. Opp.) in light of this successive request.
4. The Government's oppositional position relies heavily on precedent set by *United States v. Lussier*, 104 F.3d 32 (2nd Cir. 1997) and its progeny throughout the Circuit. Districts in the 2nd Circuit have since relied on the "significantly changed or extraordinary circumstances," standard from the *Lussier* Court. See *United States v. Monteperto*, No. 01-cr-56 CBA, 2007 WL 914545 (E.D.N.Y. Mar. 23, 2007). *Lussier* and *Monteperto* predate the 2011 amendments to the Sentencing Guidelines Manual, discussed at greater length in my first motion, which specifically encourage early termination in cases where rehabilitation has occurred.
5. Because of those amendments, the policy of the United States Sentencing Commission now runs **contrary** to the position that leaving the "extraordinary circumstances" standard would create a situation where "the exception would swallow the rule." (Gov. Opp. at 2, quoting *United States v. Medina*, 17 F.Supp.,2d 245, 247 (S.D.N.Y. 1998)) These rules, considered in decisions of this nature through 18 U.S.C. §3553(a)(5), effectively negate the *Lussier* standard.
6. Additionally it was the recommendation of this Court in its denial order last year that, should I continue the positive path I was on, I wait until two years of supervision have been completed and make this request again. I have now passed that two-year point and have remained on my path of recovery, rehabilitation, and self-improvement. I therefore follow this Court's recommendation and ask that it reconsider and grant this request for early release from supervision.

CONCLUSION

7. Because the *Lussier* standard now runs contrary to U.S. Sentencing Commission policy and due to the recommendation of this Court, I hereby submit this successive request for early termination of my federal supervision.

Respectfully submitted on this 21st day of July, 2015

/s/ 

JUSTIN P. WHITE

Pro Se Defendant, Movant

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United States Attorney, SDNY

CERTIFICATE OF SERVICE
FOR PRO SE DOCUMENTS

I, JUSTIN WHITE, do hereby certify that I have served a true and correct copy of the following document,

MOTION TO TERMINATE DEFENDANT'S SUPERVISED RELEASE TERM

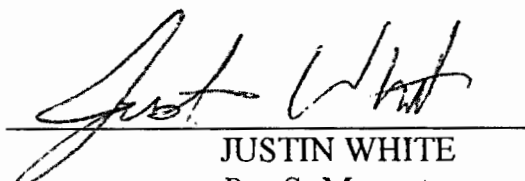
upon the court and the office of the United States Attorney:

US Attorney's Office
One St. Andrews Plaza
New York, NY 10007

Clerk of the US District Court
Daniel Moynihan U.S. Courthouse
500 Pearl Street
Room 120
New York, NY 10007-1312

by hand-delivering such to the addresses above.

on the 21st day of July, 2015.



JUSTIN WHITE
Pro Se Movant

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United States Attorney, SDNY